

PROB 12B
(12/98)

United States District Court

for

District of Southern Ohio

MAR 15 2006

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: **Michael Jay Green**

Case Number: **1:02CR00144**

Name of Sentencing Judicial Officer: **The Honorable Susan J. Diott
United States District Judge**

Date of Original Sentence: **April 18, 2003**

Original Offense: **Felon in Possession of a Firearm, in violation of 18 USC § 924(g), a class C felony.**

Original Sentence: **37 months BOP confinement, 3 years supervised release**

Type of Supervision: **Supervised Release**

Date Supervision Commenced: **November 28, 2005**

PETITIONING THE COURT

- ☐ To extend the term of supervision for years, for a total term of years.
☒ To modify the conditions of supervision as follows:

1) The supervised releasee shall complete four months of home confinement with electronic monitoring. The supervised releasee shall comply with the conditions of home confinement and electronic monitoring adopted by the Southern District of Ohio. Further, the supervised releasee may be required to wear an electronic device, and shall remain at his place of residence except for employment, treatment, or other activities approved in advance by the probation officer. The fees of the electronic monitoring services may be waived based on the probation officer's review of the defendant's financial condition.

2) The supervised releasee shall abstain from the usage of alcohol, and all other intoxicants during the term of supervised release.

CAUSE

On February 6, 2006, Green was arrested by the Cincinnati Police on charges of two counts of Driving Under the Influence (DUI), Driving Under Suspension (DUS), and Unreasonable Control. The case is still pending in Hamilton County, Ohio Municipal Court. Green met with this officer on February 22, 2006 and disclosed the arrest. Green was advised by this officer that any statements made by him concerning the offense could be used against him. Green stated he understood, but wanted to tell me the story that he was definitely under the influence of alcohol, which started at a

Super Bowl party, then led to a night club. He stated he regretted ever drinking that day, and wished he had listened to his girlfriend who advised him against it. Green stated he was planning taking full responsibility for his actions, and enter a guilty plea to the DUI and DUS charges.

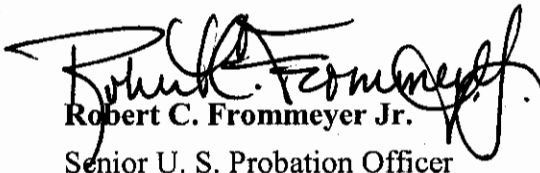
Green completed the 500 hour residential drug treatment program, and six months of outpatient treatment while in the halfway house prior to release onto supervised release. As a result of the DUI, this officer referred Green back into treatment, and also discussed an intermediate form of sanctioning to deal with the non-compliance. This officer explained to Green in detail his rights to consult with an attorney before making any decision on the matter and to a modification hearing represented counsel. Green stated he understood those rights, but stated he wanted to accept responsibility for his actions and waived those rights as he was in agreement with the proposed modification. He reviewed the waiver form then voluntarily signed it.

Based on the DUI arrest, his acceptance of responsibility, and his agreement with modifications, this officer is respectfully recommending the Court grant the modifications as stated. Please find the signed waiver form attached to this petition.

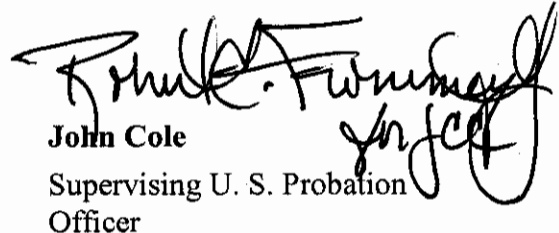
Respectfully submitted,

Approved,

by


Robert C. Frommeyer Jr.
Senior U. S. Probation Officer

by

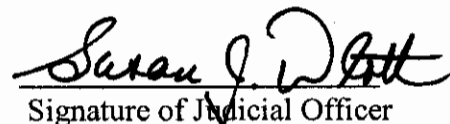

John Cole
Supervising U. S. Probation
Officer

Date March 9, 2006

Date: March 9, 2006

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other


Signature of Judicial Officer

3/16/06
Date

PROB 49

**UNITED STATES DISTRICT COURT
Southern District of Ohio**

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

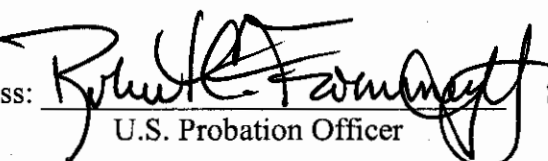
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel" I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing. I also understand I have the right to contact an attorney prior to signing this waiver.

I hereby knowingly and voluntarily waive my right to consult an attorney before signing this waiver and I knowingly and voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:


1) The supervised releasee shall complete four months of home confinement with electronic monitoring. The supervised releasee shall comply with the conditions of home confinement and electronic monitoring adopted by the Southern District of Ohio. Further, the supervised releasee may be required to wear an electronic device, and shall remain at his place of residence except for employment, treatment, or other activities approved in advance by the probation officer. The fees of the electronic monitoring services may be waived based on the probation officer review of the defendant's financial condition..

2) The supervised releasee shall abstain from the usage of alcohol, and all other intoxicants during the term of supervised release.

Witness:


U.S. Probation Officer

Signed:


Probationer or Supervised Releasee

February 22, 2006

DATE